



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

**NOTICE OF ALLOWANCE AND ISSUE FEE DUE**

PM82/0324

HOVEY WILLIAMS TIMMONS & COLLINS  
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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/264,267	03/08/99	017	NOVOSAD, J	3634 03/24/00
First Named Applicant	LEVSEN,	35 USC 154(b) term ext. =		

TITLE OF INVENTION KNIFE HOLDER

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3 27070	211-070.700	K09	UTILITY	YES	\$605.00	06/26/00

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B-Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.  
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/264,267 03/08/99 LEVSEN

C 27070

EXAMINER

PM82/0324

HOVEY WILLIAMS TIMMONS & COLLINS  
2405 GRAND  
SUITE 400  
KANSAS CITY MO 64108

NOVOSAD, J

ART UNIT

PAPER NUMBER

3634

DATE MAILED:

03/24/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Notice of Allowability

Application No.  
**09/264,267**

Applicant(s)  
**Levsen**

Examiner  
**Jennifer E. Novosad**

Group Art Unit  
**3634**



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to the amdt filed 2-15-00 and the tel. interviews on 3-20-00 and 3-23-00

☒ The allowed claim(s) is/are 2-8 and 11-20

☒ The drawings filed on Mar 8, 1999 are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_

☐ including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.**

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

Art Unit: 3634

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Andrew Columbo on March 20, 2000 and March 23, 2000.

The application has been amended as follows:

Claims <sup>9</sup> and <sup>10</sup> have been canceled.

*DPS*  
In claim 17, <sup>at the end of</sup> ~~after~~ line 9, --said utensil-retaining rod assembly being configured to prevent relative lengthwise shifting of the rods so that the assembly may be unitarily removed from the utensil-receiving opening, said utensil-retaining rod assembly including a base, said rods being fixed relative to the base and projecting therefrom,-- *B1* has been inserted. Note that this addition is the claim language of originally filed claims 9 and 10.

In claim 11, line 1, "10" has been changed to --<sup>17</sup>--.

In claim 12, line 1, "10" has been changed to --<sup>17</sup>--.

In claim 14, line 1, "10" has been changed to --<sup>17</sup>--.

*15*

Art Unit: 3634

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to show or suggest a utensil holder comprising a case having an opening; a rod assembly including a **base** and a plurality of elongated, flexible rods "fixed relative to the base and projecting therefrom" (see line 14) whereby the base is adjacent a common end of the rods (see line 15) and the rods defining an "endmost entry face opposite from the base" (see line 17) wherein when the rod assembly is placed in the case opening, the rods are confined in a manner that "permits limited flexing movement of the rods" (see lines 5-6) and when the rod assembly is "unitarily removed" (see line 11) from the case, the rods are prevented from "lengthwise shifting" (see line 10), as specifically called for in the claimed combination in claim **13**. Note that lines 15-17 of claim **13** are not present in claim **17**, thereby reciting a narrower limitation than claim **17**.

The prior art of record fails to show or suggest a utensil holder comprising a case having an opening; a rod assembly including a **base** and a plurality of elongated, flexible rods "fixed relative to the base and projecting therefrom" and the rods defining an "endmost entry face opposite from the base" wherein when the rod assembly is placed in the case opening, the rods are confined in a manner that "permits limited flexing movement of the rods" (see lines 4-5) and when the rod assembly is "unitarily removed" from the case, the rods are prevented from "lengthwise shifting", as specifically called for in the claimed combination in claim **17**.

Art Unit: 3634

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is (703) 305-2872.

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is written in a cursive style with a large, looped initial 'D'.

Daniel P. Stodola  
Supervisory Patent Examiner  
Group 3600

Jennifer E. Novosad/jen

March 23, 2000